UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/C.5/49/27/Add.1
18 November 1994
ENGLISH
ORIGINAL: ENGLISH/SPANISH

Forty-ninth session
FIFTH COMMITTEE
Agenda item 108

PROGRAMME PLANNING

Revisions to the medium-term plan for the period 1992-1997

Note by the Chairman

Addendum

1. At its 3rd plenary meeting, on 23 September 1994, the General Assembly decided to allocate agenda item 108 (Programme planning) to the Fifth Committee, on the understanding that the proposed revisions to each programme of the medium-term plan for the period 1992-1997 would be submitted to the Assembly in plenary meeting or to the appropriate Main Committee for review.

2. Responses from the General Assembly and three Committees, the Second, Fourth and Sixth Committees, were included in document A/C.5/49/27. A response was recently received from the Chairman of the Third Committee. The substantive portion of the letter is reproduced in annex I to the present document, along with the relevant attachments.

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Annex I

LETTER DATED 9 NOVEMBER 1994 FROM THE CHAIRMAN OF THE THIRD COMMITTEE TO THE CHAIRMAN OF THE FIFTH COMMITTEE

In response to your letters dated 27 September and 11 October 1994 seeking the views of the Third Committee on agenda items 105 (Review of the efficiency of the administrative and financial functioning of the United Nations) and 108 (Programme planning) the Third Committee considered these issues at its 12th and 18th meetings on 21 October and 2 November 1994, respectively. In addition, I requested the members of the Committee to transmit written comments on these two items to me if they so desired. These are attached to the present letter.

During the debate in the Third Committee, the views expressed were divergent. These views were further elaborated in written comments submitted to me.

Some delegations were concerned that the proposed revisions to the medium-term plan for the period 1992-1997 prepared by the Secretariat (A/49/6) were not a just and concise reflection of the Vienna Declaration and the Programme of Action and needed to be suitably amended.

Other delegations considered that the Secretariat had produced a balanced document that reflected well established United Nations policies and the mandates adopted in the Vienna Declaration and Programme of Action and that it gave a comprehensive approach to the necessity of addressing the implementation of all human rights and avoided attempts to single out specific human rights.

Other delegations stated that although they might have wished to see greater emphasis on such aspects as technical and advisory services and the implementation of existing norms rather than on the development of new standards, they recognized that the medium-term plan was not a negotiated document and that the review of the document in the Third Committee was not an opportunity to renegotiate consensus decisions already taken at Vienna.

In addition, on agenda item 105, some delegations have requested that an additional report be prepared by the Secretariat addressing the impact of restructuring on United Nations programmes, and measures taken by the Secretary-General to restructure the Secretariat in accordance with the decisions of the relevant intergovernmental bodies.

Among the issues where an emerging consensus could be perceived was the Committee's recognition for the need to support the United Nations human rights programme, the Centre for Human Rights and the United Nations High Commissioner for Human Rights. Some delegations emphasized that the Vienna Declaration had requested the Secretary-General and Member States to take immediate steps to increase substantially the resources for the human rights programme from within existing and future regular United Nations budgets. Other delegations stressed that these resources should not be at the cost of resources allocated in the regular budget to development, as agreed at Vienna.

To summarize, therefore, the following important points emerged from the debate and from the written comments on these items:

(a) Some delegations stated that the proposed revisions to the medium-term plan should reflect better the Vienna Declaration and Programme of Action. Specific instances were cited such as the omission of the word "indivisible" in the context of human rights being interdependent and interrelated. Concerns included:

(i) The importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues;

(ii) The reference to peace-keeping operations which did not use the relevant wording of Vienna and the imbalance in the document between civil and political rights and economic and social and cultural rights;

(iii) These delegations suggested that separate subprogrammes be included on racism and the right to development so as to reflect accurately the new needs and priorities of the human rights programme;

(b) Other delegations were strongly supportive of the proposed revisions. In the view of these delegations, the text represented a balanced document which accurately indicated the need for more preventive and integrated human rights policies in other United Nations programmes and correctly defined the issues relating to human rights and peace-keeping. It was also mentioned that the integration of the status and human rights of women could have been further elaborated;

(c) Many delegations expressed strong support for the strengthening of the Office of the United Nations High Commissioner for Human Rights and the Centre for Human Rights. Some delegations stated that the Vienna Declaration and the High Commissioner for Human Rights should be the central element of programme 35.

Indonesia, on behalf of the Movement of Non-Aligned Countries, insisted that additional time be allocated to the Third Committee to discuss thoroughly these sensitive issues, so that the document, if necessary, could be "revised paragraph-by-paragraph".

In response to the request of the non-aligned countries, an additional meeting of the Third Committee was held, in which oral statements were made, mostly of a procedural nature.

Subsequently, additional written proposals were submitted on behalf of two groups of countries revising those submitted earlier. In these documents the general position previously expressed was maintained, while certain specific proposals were made for redrafting the document prepared by the Secretariat on the medium-term plan.

Since the Third Committee is not the appropriate forum for in-depth discussion of the medium-term plan, including proposals for redrafting of the document prepared by the Secretariat, it is hoped that this brief summary of the most important elements that emerged from the debate, along with the written comments attached to this letter, will facilitate the Fifth Committee's expeditious consideration of these important questions.

(Signed) Kéba Birane CISSÉ

Appendix I

COMMENTS BY CANADA, AUSTRALIA AND NEW ZEALAND ON PROGRAMME 35 OF MAJOR PROGRAMME VII OF THE MEDIUM-TERM PLAN 1992-1997

The delegations of Canada, Australia and New Zealand would like to comment on the Secretary-General's proposed revisions to the medium-term plan (A/49/6), referred to the Third Committee by the Chairman of the Fifth Committee.

Our delegations consider that, on the whole, the proposed revisions to the medium-term plan adequately reflect the changes that have occurred over the past two years to the legislative framework guiding the human rights work of the United Nations, in particular the revisions incorporated as a result of the World Conference on Human Rights.

In our view, the fine balance which was worked out in the Vienna Declaration on the importance of various issues, such as early warning and the prevention of human rights violations, social, economic and cultural rights, the right to development, the rights of the child, women's human rights and the rights of indigenous people, has been preserved in the revised medium-term plan. We are particularly pleased that the document refers to efforts to coordinate the work of the special procedures, the treaty-based human rights bodies, the specialized agencies, the non-governmental sector and the larger United Nations system (see A/49/6 (Prog. 35), paras. 35.5, 35.18, 35.21, 35.26, 35.30 and 35.43). The document also contains welcome references to building human rights into preventive diplomacy, early warning, peacemaking and some peace-keeping activities and into post-conflict peace-building (ibid., paras. 35.21, 35.26 and 35.44). Finally, we also agree with the subprogramme structure proposed in the revisions to programme 35 of the medium-term plan, as it is linked to the organizational structure of the Centre for Human Rights. We note that this is in keeping with the call of the Secretary-General for congruence in the medium-term plan between the programmatic and organizational structures of the Secretariat (see A/49/301: Report of the Secretary-General on a prototype of a new format of the medium-term plan).

Although our delegations might have wished to see greater emphasis on such aspects as technical and advisory services and the implementation of existing norms rather than on the development of new standards, we recognize that the medium-term plan is not a negotiated document and our review of the document is not an opportunity to renegotiate consensus decisions already taken at Vienna, in the General Assembly, the Commission on Human Rights and elsewhere.

Some delegations have expressed concern that the medium-term plan does not reproduce verbatim the language in these various decisions. In this regard, it is worth recalling the purpose of the medium-term plan. It is to translate agreed decisions into a general programme framework. Our delegations consider that the document before us fulfils this task in a balanced and useful manner.

After the lengthy and difficult negotiations at Vienna, we cannot afford further delay in implementing the consensus decisions we reached at the World Conference. Nor can we afford to delay the work of the High Commissioner for

Human Rights. Our delegations therefore urge the Fifth Committee to approve the proposed revisions to the medium-term plan expeditiously.

The results of the Vienna Declaration and Programme of Action imply a significant reorientation and expansion of the United Nations human rights programme. In the short term, this requires the deployment of additional resources to the Centre and the Office of the High Commissioner. However, in the long term, increased cooperation and coordination among all the organizations of the United Nations system carrying out human rights-related activities will provide a more coherent focus for human rights and will result in increased impact of the human rights activities of the United Nations and a more effective use of resources.

Appendix II

COMMENTS BY THE EUROPEAN UNION ON PROGRAMME 35 OF MAJOR PROGRAMME VII OF THE MEDIUM-TERM PLAN 1992-1997

1. The European Union believes that the Secretariat, in exercise of its proper function, has produced a balanced document that reflects well established United Nations policies to implement human rights objectives. These objectives flow, on the one hand, from the various international human rights instruments and, on the other, from the resolutions adopted by the competent United Nations bodies, notably, but not exclusively, the resolution in which the General Assembly endorsed the Vienna Declaration and Programme of Action (resolution 48/121) and the resolution by which the Assembly created the post of United Nations High Commissioner for Human Rights (resolution 48/141). The European Union welcomes the fact that the Secretariat document clearly indicates the respective legislative authority for the proposed subprogrammes; these references make it unnecessary for the document to reproduce extensive word-by-word quotations from these legislative sources.

2. As it should, programme 35 of the medium-term plan gives a comprehensive approach to the necessity of addressing the implementation of all human rights and avoids attempts to single out specific human rights (see A/49/6 (Prog. 35), para. 35.15 (h): "Giving equal attention to all human rights and finding ways to improve the definition and protection of economic, social and cultural rights"). This integrated approach is spelled out in a more concise way, inter alia, in paragraphs 35.25, 35.26 (f), 35.30 (a) (i), 35.60, 35.61 and 35.70 of the proposed revisions to the medium-term plan (A/49/6 (Prog. 35)).

3. In particular, the document pays adequate attention to the necessity to ensure preventive action in the field of human rights and further to integrate human rights into the objectives and policies of the various agencies, bodies and programmes of the United Nations, as well as into early warning, peace-keeping and post-conflict peace-building activities (ibid., paras. 35.21, 35.26 (b) and 35.45), in keeping with paragraph 6 of the Vienna Declaration ("The efforts of the United Nations system towards the universal respect for, and observance of, human rights and fundamental freedoms for all, contribute to the stability and well-being necessary for peaceful and friendly relations among nations, and to improved conditions for peace and security as well as social and economic development"), paragraph 97 of the Vienna Programme of Action ("The World Conference on Human Rights recognizing the important role of human rights components in specific arrangements concerning some peace-keeping operations by the United Nations recommends that the Secretary-General take into account the reporting, experience and capabilities of the Centre for Human Rights and human rights mechanisms"), as well as General Assembly resolution 48/141, paragraphs 4 (f) ("The High Commissioner's responsibilities shall be ... to play an active role in ... preventing the continuation of human rights violations throughout the world") and 4 (g) ("The High Commissioner's responsibilities shall be ... to engage in a dialogue with all Governments in the implementation of his/her mandate with a view to securing respect for all human rights"). The European Union also shares the affirmation in paragraph 35.42 of the proposed revisions that, with regard to field monitoring missions in particularly

critical situations, the operations in the conflict zones of former Yugoslavia, Iraq and Rwanda are important precedents.

4. With regard to preventive human rights policies, the European Union is confident that the imminent proclamation of the decade for human rights education will enhance meaningful respective action on the national and international levels.

5. With regard to the integration of the status and human rights of women into all human rights activities, the European Union is of the view that the Secretariat could have elaborated further on the principle contained in paragraph 35.15 (d).

6. The European Union is generally satisfied with the attention that the document gives to the ongoing, yet expandable efforts of the Centre for Human Rights to enhance coordination between special human rights procedures and treaty-based human rights bodies, as well as between special procedures and the larger United Nations system (para. 35.43).

7. The European Union trusts that these efforts will lead to increased effectiveness of these mechanisms and to a better use of existing resources. The European Union is looking forward to the detailed report on the improvement of existing protection and monitoring mechanisms, referred to in paragraph 35.51.

8. Taking into account the purpose of the medium-term plan, that is, to guide future budget planning, it might have been desirable to recall the recommendations contained in the Vienna Declaration and Plan of Action and endorsed by the General Assembly in its resolution 48/121, namely:

(a) That in view of the high importance accorded to human rights by the Charter of the United Nations and the demands of the United Nations human rights activities, these should be provided with increased resources (Vienna Declaration, para. 35);

(b) That the Secretary-General and the General Assembly were requested to take immediate steps to increase substantially the resources for the human rights programme from within existing and future regular budgets of the United Nations and to take urgent steps to seek increased extrabudgetary resources (Vienna Programme of Action, para. 9);

(c) That within this framework, an increased proportion of the regular budget should be allocated directly to the Centre for Human Rights (ibid., para. 10).

9. Paragraph 35.15 of the proposed revisions lists "developing ways and means for the effective promotion and protection of the realization of the right to development" as one of the objectives of the overall human rights strategy; paragraph 35.25 says this is one of the objectives in need of stronger comprehensive review and action. The European Union shares this assessment and believes that further action in this field should, and will, benefit from the deliberations of the Geneva Working Group on the Right to Development.

10. The European Union also supports the intention of the High Commissioner for Human Rights, contained in his statement to the Economic and Social Council on 14 July 1994, to explore with the specialized agencies, international development and financial institutions and non-governmental organizations the design of practical projects to implement the right to development.

11. The European Union welcomes - not least in the light of the ongoing elaboration of the agenda for development - the fact that the medium-term plan identifies as one of the United Nations the need to implement, at national and international levels, the mutually reinforcing relationship between development, democracy and human rights (para. 35.64). The proposal in paragraph 35.69, to provide Governments with advisory services and technical assistance in incorporating the human rights component in an integrated approach to development strategies would have deserved a stronger emphasis.

12. Paragraph 35.55 should be read in conjunction with paragraph 6 of the Vienna Plan of Action, which states that:

> "The World Conference, recognizing the need ... to avoid proliferation of human rights instruments, reaffirms the guidelines relating to the elaboration of new international instruments contained in General Assembly resolution 41/120 of 4 December 1986".

13. With regard to paragraph 35.60, the European Union acknowledges the importance of research as a tool for addressing human rights challenges, especially if research is geared to supporting mandated activities of special human rights procedures. In view of the limited resources available to the Centre for Human Rights, the European Union believes, however, that special use should be made of possibilities to draw on external sources of knowledge and expertise, such as those mentioned in paragraph 35.71.

Appendix III

COMMENTS BY CUBA ON PROGRAMME 35 OF MAJOR PROGRAMME VII OF THE MEDIUM-TERM PLAN 1992-1997

Cuba is of the view that a revision of programme 35 is justified by the outcome of the June 1993 World Conference on Human Rights, which approved the Vienna Declaration and Programme of Action, subsequently endorsed by the General Assembly in its resolution 48/121, as well as by the establishment of the post of United Nations High Commissioner for Human Rights pursuant to General Assembly resolution 48/141.

Both resolutions may be seen as a starting-point for the proposed revision and should constitute, together with the Charter of the United Nations and other relevant resolutions, the general framework for the programme relating to human rights.

The revision proposed by the Secretariat seems, however, to depart from this approach. Document A/49/6 (Prog. 35) outlines a future approach which bears no relationship to the Vienna Declaration and Programme of Action. Moreover it has obvious omissions and embodies a reinterpretation of concepts that vitiates its objectives and leaves the document as a whole manifestly unbalanced. The following examples will serve as illustrations:

Paragraph 35.1. This paragraph should be deleted since it does not properly establish the conceptual framework of the programme, and is in contradiction with page 1, paragraph 3.

Paragraph 35.2. The word "indivisible", describing human rights, has been omitted (Vienna Declaration, para. 5).

Paragraph 35.3.

(a) Following the word "violations", paragraph 32 of the Vienna Declaration should be added, as follows:

> "The World Conference on Human Rights reaffirms the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues";

(b) The last sentence should be redrafted to correspond to paragraph 97 of the Vienna Programme of Action, which reads:

> "The World Conference on Human Rights (recognizes) the important role of human rights components in specific arrangements concerning some peace-keeping operations by the United Nations ...".

Paragraph 35.4. The paragraph should reflect more explicitly commitments relating to the rights of the child, particularly in the case of the sale of children and organs and child prostitution and pornography, in accordance with

paragraph 21 of the Vienna Declaration and paragraph 48 of the Vienna Programme of Action.

Paragraph 35.7.

(a) Replace the words "and that assistance be provided in the human rights aspects of democratic elections" by "in this context, assistance provided upon the request of Governments for the conduct of free and fai elections (...) is of particular importance" (Vienna Declaration, para. 67). Of relevance also are the many resolutions of the United Nations General Assembly on the need to respect the principles of national sovereignty and non-interference in the internal affairs of States with reference to national electoral processes;

(b) Similarly, at the end of the sentence should be inserted paragraph 31 of the Vienna Declaration, as follows:

"The World Conference on Human Rights calls upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of the human rights set forth in the Universal Declaration of Human Rights ...".

Paragraph 35.8. Add the following to the end of the paragraph:

"The Conference also recommended that those mechanisms should be strengthened, rationalized and streamlined, 'taking into account the need to avoid unnecessary duplication'" (Vienna Programme of Action, para. 1).

Paragraph 35.9.

(a) Add, at the end of the second sentence, the following: "and also streamlined and rationalized to avoid unnecessary duplication" (Vienna Programme of Action, para. 1);

(b) Redraft the last sentence to correspond to paragraph 1 of the Vienna Programme of Action.

Paragraph 35.15. Add new paragraphs:

"(r) The adoption of specific measures and the development of the necessary ways and means to combat new forms of racism and racial discrimination, xenophobia and related intolerance;

"(s) The development of ways and means to establish effective measures to promote and protect the rights of the child."

Paragraph 35.16.

(a) Subprogrammes 3 and 4 should be merged with the title "Special procedures". Similarly, the narrative should be streamlined, revised and reformulated, particularly paragraphs 35.42, 35.43, 35.44, 35.45 and 35.52.

(b) Two new subprogrammes should be added:

Subprogramme 3: Right to development, implementation of the Declaration on the Right to Development.

Subprogramme 4: Formulation of policies to prevent and combat all forms of racism and racial discrimination, xenophobia and related intolerance.

Paragraph 35.21.

(a) Replace the second sentence by the following:

"Within the United Nations this means ensuring that all relevant agencies, bodies and programmes, within their established mandates, better understand the interrelationship between their activities and the protection of human rights and the contribution that respect for human rights can have in achieving their own objectives";

(b) Delete the last sentence of the paragraph since it does not correspond to established mandates.

Paragraph 35.23. Delete the final sentence, which does not correspond to the mandates established by the Vienna Declaration and Programme of Action.

Paragraph 35.26. Delete paragraph (b).

Appendix IV

COMMENTS BY THE MOVEMENT OF NON-ALIGNED COUNTRIES ON PROGRAMME 35 OF MAJOR PROGRAMME VII OF THE MEDIUM-TERM PLAN 1992-1997

The proposed revisions to the medium-term plan for the period 1992-1997 (A/49/6 (Prog. 35)) are not a just and concise reflection of the Vienna Declaration and Programme of Action, rather they are the product of the interpretation of the Centre for Human Rights of the said document. Although a lot of care and delicacy has been rendered in the preparation of programme 35, the tendencies and inclinations of the author(s) in departing from the exact letter and spirit of the Vienna Declaration and Programme of Action and the adoption of a futuristic approach can clearly be seen in different sections of the programme. The following revisions are requested:

Paragraph 35.1. This paragraph should be omitted. There is no need for a general remark because it is revised in accordance with paragraph 3 on page 1 of the document. (This paragraph is not a comprehensive one.)

Paragraph 35.2.

(a) Insert "and other relevant United Nations resolutions" at the end of the first sentence. Rationale: the framework for the future development of the United Nations human rights programme does not necessarily only lie in the Vienna Declaration and Programme of Action, but also other relevant resolutions;

(b) Insert the word "indivisible" before the word "interdependent" in the third sentence. Rationale: in line with the Vienna Declaration (para. 5).

Paragraph 35.3.

(a) Insert the following after the second sentence: "It reaffirmed the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues." Rationale: in line with the Vienna Declaration (para. 32);

(b) The last sentence should be redrafted in accordance with paragraph 97 of the Programme of Action.

Paragraph 35.4. Delete the words "through new procedures" in the first sentence. Rationale: it is not mentioned in the Vienna Declaration and Programme of Action.

Paragraph 35.7. The second sentence should be redrafted in the light of paragraph 67 of the Programme of Action to read as follows: "The Vienna Declaration thus recommended that priority be given to national and international action to promote democracy, development and human rights. In this context, assistance should be provided upon the request of Governments for the conduct of free and fair elections."

Paragraph 35.8. This paragraph should be deleted and replaced by the second sentence in paragraph 1 of the Programme of Action, which reads as follows: "To this end, the World Conference on Human Rights urges all United Nations organs, bodies and the specialized agencies whose activities deal with human rights to cooperate in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid unnecessary duplication." Rationale: it is more comprehensive and balanced.

Paragraph 35.9.

(a) Add the following at the end of the second sentence: "also rationalization and streamlining, while taking into account the need to avoid unnecessary duplication";

(b) Delete the word "renewed" in the second sentence, because there is no mention of it in the Vienna Declaration and Programme of Action;

(c) Redraft the last sentence in accordance with the last sentence in paragraph 1 of the Programme of Action.

Paragraph 35.12. After the words "Secretary-General" insert the following: "within the framework of the overall competence, authority and decisions of the General Assembly, the Economic and Social Council and the Commission on Human Rights". Rationale: in line with resolution 48/141.

Paragraph 35.13. In line 7, after the word "assistance" insert "at the request of the State concerned". Rationale: in line with resolution 48/141.

Paragraph 35.15.

(a) Subparagraph (l) should be deleted because the United Nations decade for human rights education has not yet been proclaimed. (General Assembly resolution 48/127, paragraph 4);

(b) Subparagraph (o) should be deleted. Rationale: there is no specific reference to this idea in the Vienna Declaration and Programme of Action;

(c) In accordance with paragraph 20 of the Programme of Action, the following new subparagraph (r) should be added: "(r) The adoption of new and concrete measures, in order to combat new forms and manifestation of racism, xenophobia or related intolerance".

Paragraph 35.16.

(a) Subprogrammes 3 and 4 are an unnecessary repetition. Therefore, they should be merged to read as follows: "special procedures". As a result of the above-mentioned merging, it is suggested that paragraphs 35.36 to 35.52 should be redrafted, simplified and streamlined;

(b) Proposal for a new subprogramme 3 entitled "Implementation of the Declaration on the Right to Development";

(c) Proposal for a new subprogramme 4 entitled "Development of strong policies to prevent and combat all forms and manifestations of racism, xenophobia or related intolerance".

Paragraph 35.21.

(a) The last sentence should be deleted because there is no mention of early warning, peacemaking, peace-keeping or post-conflict peace-building in the Vienna Declaration and Programme of Action;

(b) The word "all" in the second sentence should be replaced by the word "relevant".

Paragraph 35.22. In the last sentence, the words "through new-procedures" should be deleted because there is no such notion in the Vienna Declaration and Programme of Action.

Paragraph 35.23. The last sentence should be deleted.

Paragraph 35.26.

(a) Subparagraph (b) should be deleted. Rationale: the idea of preventive action has not been mentioned in the Vienna Declaration and Programme of Action;

(b) In subparagraph (h) delete the words "not least in view of the decade for human rights education to be launched in December 1994". Rationale: the General Assembly has not yet taken action.